

REMARKS

Claims 34, 37-44, and 57-64 were presented for examination in the present application and remain pending upon entry of the instant amendment. Claims 34 and 57 are independent.

Applicant notes the allowance of claims 57-64.

The Examiner has noted on page 2 of the present Office Action that it is in response to the Amendment filed on December 8, 2006 (the Prior Amendment). Applicant notes that since the date of the Prior Amendment, the Examiner has issued: 1.) a Final Rejection on March 7, 2007, with a §102(e) rejection over Porthouse et al. (a currently cited reference), 2.) a Non Final Rejection on August 2, 2007, with a Double Patenting Rejection, for which a Terminal Disclaimer was filed, 3.) a Non Final Rejection on July 1, 2008, with a §112, first paragraph non enablement rejection which was withdrawn subsequent an interview with the Examiner, and 4.) the current Non Final Rejection with a new §102(b) reference and §103 rejections.

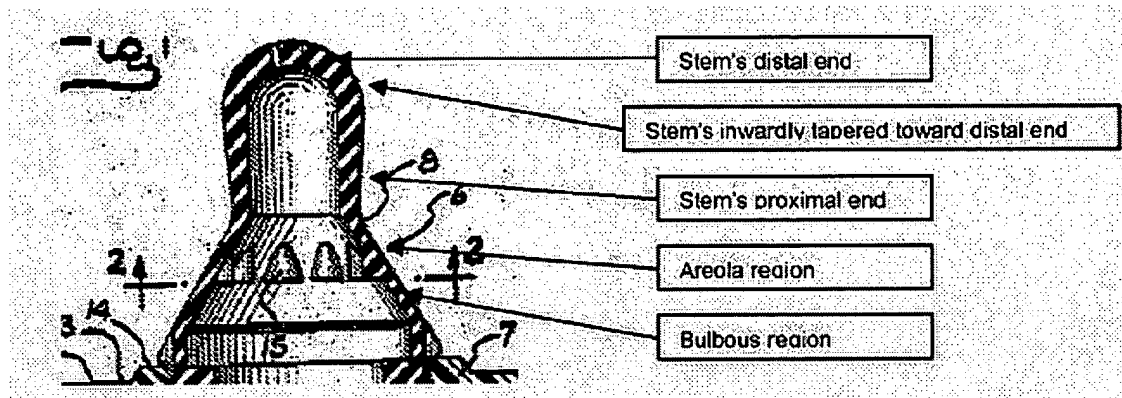
Piecemeal examination should be avoided as much as possible. See MPEP §707.07(g). As mentioned above, it has been over three years since the Prior Amendment was entered on December 8, 2006. Since that time, three Non Final office actions have been issued containing rejections that could have been raised in a single office action. Applicant respectfully requests a complete review in order to avoid further inefficiencies in the examination process.

Claim 34 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,960,088 to Witz (hereinafter "Witz"). Dependent claims 41, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witz. Dependent claims 37-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witz in view of U.S. Design Patent No. 130,791 to Porthouse et al. (hereinafter "Porthouse").

Applicant respectfully traverses these rejections.

Claim 34 recites, in part, an areola region that is "connected to said proximal end of said stem" and "a bulbous region being connected to said areola region".

The Office Action illustrates a marked version of Figure 1 disclosed by Witz, which is reproduced below for ease of analysis, where the component parts of the stem have been labeled.



Applicant submits that marked version of Figure 1 provided by the Office Action mis-characterizes the teachings of Witz. Specifically, the marked version of Figure 1 describes label 6 as the areola region and the area below teeth 15 as the bulbous region. However, Witz specifically discloses that label 6 represents the nipple and label 8 represents the bulbous region. See col. 2, lines 14-16. Since Witz clearly discloses section 8 (i.e., the bulbous region) is connected to the proximal end of the stem, Applicant submits that the areola region of Witz can not be connected to the proximal end of the stem as claimed.

Thus, Witz fails to disclose or suggest the areola region that is connected to the stem and the bulbous region that is then connected to the areola region as recited in claim 34.

Notwithstanding the above and merely in the interest of expediting the prosecution of the present application, independent claim 34 has been clarified to recite that the distal end includes "a curved apex surface" and that the stem is "inwardly tapered from said proximal end toward said curved apex surface" (emphasis added). Support for this amendment can be found in the specification at least at page 6, lines 1-10. No new matter is added.

Witz fails to disclose or suggest a stem having a curved apex surface, where the stem is inwardly tapered toward the curved apex surface.

Rather, as is clearly seen from the marked version of Figure 1 above, Witz discloses that the stem that is tapered in a direction opposite to the inwardly tapered stem as recited in claim 34. Stated another way, Witz discloses a stem that is wider where it connects to the curved surface of the distal end and narrows towards its proximal end where it connects to bulbous region 8.

Moreover, Applicant submits that Porthouse fails to cure the above noted deficiency of Witz. Rather, Porthouse is a design patent disclosing a nipple having the shape shown in Figures 1 and 2, which are reproduced below.

Fig. 1.

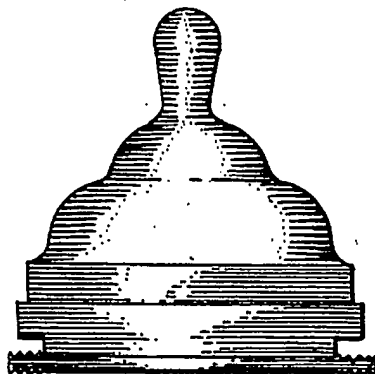
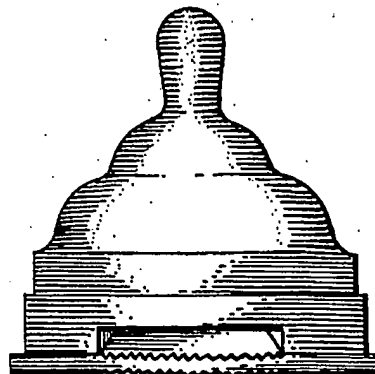


Fig. 2.



Porthouse, much like Witz, discloses a stem that tapers in the direction opposite to that recited by claim 34. More specifically, Porthouse discloses a nipple that tapers

toward the proximal end of the stem. Again, stated another way, Porthouse discloses a stem that is wider where it connects to the curved surface of the distal end and narrows towards its proximal end where it connects to the remaining portion of the nipple.

Accordingly, Witz alone or in combination with Porthouse, fails to disclose or suggest the inwardly tapered stem of claim 34. Therefore, claim 34, as well as claims 37-44, which depend therefrom, are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 34, and 37-44.

If for any reason the Examiner feels that consultation with Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

June 17, 2009



Edward L. McMahon, Esq.
Registration No. 44,927
Attorney for Applicant
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th floor
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401